

Exhibit 72

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1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MIYANO MACHINERY USA INC.,)

Plaintiff,)

-vs-)

MIYANOHITEC MACHINERY,)
INC., THOMAS ("TOM") MIYANO)
a/k/a TOSHIHARU MIYANO and)
STEVEN MIYANO, a/k/a)
SHIGEMORI MIYANO,)

Defendant.)

COPY

CIVIL ACTION
NO. 08 C 526

DEPOSITION OF TOSHIYUKI NAGASAWA
MAY 15, 2008 - 9:50 A.M.

The Deposition of TOSHIYUKI NAGASAWA,
taken pursuant to the Rules of Civil Procedure
for the United States District Courts pertaining
to the taking of depositions, taken before Jerry
Satterlee, a Certified Shorthand Reporter within
and for the State of Illinois, at 200 West Adams
Street, Suite 2850, Chicago, Illinois.

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80

1 Q. What type of machine is the GN
2 machine?

3 A. It is a high precision machine.

4 Q. Is it a lathe?

5 THE INTERPRETER: Could you read the
6 question?

7 (THE QUESTION WAS READ.)

8 THE INTERPRETER: Lathe?

9 THE COURT REPORTER: Lathe, L-A-T-H-E.

10 BY THE WITNESS:

11 A. Yes.

12 BY MR. FRANCISSEN:

13 Q. Does MMU sell the GN machine?

14 A. Yes.

15 Q. When was the last time MMU sold a GN
16 machine in the United States?

17 A. Last year.

18 Q. When last year?

19 A. I believe December.

20 Q. When was the previous sale before the
21 one in December of 2007 of a GN machine?

22 MR. MANZO: By MMU?

23 BY MR. FRANCISSEN:

24 Q. By MMU.

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81

1 A. I don't remember.

2 Q. Was there any other sale of a GN
3 machine by MMU in 2007?

4 A. No.

5 Q. Was there a sale of a GN machine by
6 MMU in the United States in 2006?

7 A. He believes it is the same question
8 as last time.

9 Q. I am asking about the year 2006.

10 A. You asked whether there was a sale of
11 GN machine in 2007, is that correct?

12 Q. Let me clarify. Was there any sale of
13 a GN machine by MMU in the United States in 2006?

14 A. I don't remember. I was in Japan.

15 Q. Who was the GN machine sold to in
16 December 2007?

17 A. A distributor.

18 Q. Who was the distributor?

19 A. Illinois.

20 Q. Illinois distributor?

21 A. Yes.

22 Q. Is that the name of the distributor?

23 A. No.

24 Q. What is the name of the distributor?

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88

1 word by word but roughly.

2 Q. Have you seen a disclaimer on the
3 printout of the MiyanoHitec web site?

4 A. Yes.

5 Q. Do you have any reason to believe that
6 it will -- that this disclaimer will not be
7 effective in advising customers and potential
8 customers that there is no connection between
9 MiyanoHitec Machinery and the Miyano Machinery
10 USA?

11 A. I believe that the most people when
12 they see a web site, they will not -- they will
13 not necessarily notice the disclaimer and they
14 form impressions by just taking a quick look at
15 it.

16 Q. When you read the disclaimer, did you
17 understand that there was no connection between
18 MiyanoHitec and Miyano Machinery USA?

19 A. I understood the meaning of the words
20 of the disclaimer, but I believe that as long as
21 the word Miyano is in the disclaimer it cannot be
22 trusted.

23 Okay. I meant that as long as the
24 word Miyano at the top of the page on web site,

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89

1 the disclaimer cannot be trusted.

2 Q. Are you saying that there is a Miyano
3 at the top of the web site page then?

4 A. I mean the quick impression that one
5 forms by looking at that web site.

6 Q. Does the name Tom Miyano appear on the
7 web site?

8 A. I don't remember.

9 Q. Does the name Steven Miyano appear on
10 the web site?

11 A. I don't know.

12 Q. Do you remember when you looked at the
13 printout of the web site?

14 A. Last year.

15 Q. Do you remember when the web site was
16 printed out?

17 A. Sometime between summer and fall.

18 MR. FRANCISSEN: Can I have that answer
19 read back.

20 (THE ANSWER WAS READ.)

21 BY MR. FRANCISSEN:

22 Q. Of 2007?

23 A. Yes.

24 Q. You just testified that customers may

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90

1 be left with the impression that this is a Miyano
2 Machinery USA web site. What evidence do you have
3 for that belief?

4 A. I believe it is hard to tell what the
5 reason is because that is an impression that one
6 form by looking at the web site.

7 Q. Are you testifying that it is the
8 impression that you formed in looking at the web
9 site?

10 A. Yes, when I first looked at the
11 printed copy of the web site.

12 Q. So you have no other evidence that
13 that is the impression that the web site would
14 have on a potential customer?

15 A. I believe that is inevitable. Even
16 only if one out of ten would see that web site
17 does form that impression, then that will be the
18 interpretation.

19 Q. But you have obtained no evidence that
20 that is the impression that it will have on a
21 customer?

22 A. That is true. That is the reason
23 that we are here now is because the concern that
24 the impression will be formed.